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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,353	01/04/2002	Vern Brownell	112153.128	7044

7590 06/22/2006  
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EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/038,353	<b>Applicant(s)</b> BROWNELL ET AL.	
	<b>Examiner</b> Ramsey Refai	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Response to Amendment*

Responsive to Amendment received March 30, 2006. Claims 1-4, 7-15, and 17-20 have been amended. Claims 1-20 remain pending further examination.

*Response to Arguments*

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment to claims. Applicant's argument regarding the 112-¶2<sup>nd</sup> rejections of claims 2 and 13 is persuasive, therefore the rejections are withdrawn.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Newly amended independent claim 11 recites “ A method...said platform comprising the acts of:” . Claims 11-20 are therefore indefinite because it's not clear whether the claims are directed to a method or a platform.

4. The following limitations lack proper antecedent basis:

In claim 1: *the control node, the storage network.*

In claims 2, 3, 8, 10, 11, 12, 13, 18, 20: *the control node.*

In claims 4, 8, 9, 14, 16: *the computer processors.*

In claim 11: *the set of computer processors.*

Claims depending on the above rejected claims are rejected under the same rationale as the parent claim.

*Claim Rejections – 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aziz et al (U.S. Patent No. 6,597,956).

7. As per claim 1, Aziz et al teach a platform for automatically deploying at least one virtual processing area network, in response to software commands specifying (i) a number of processors for a virtual processing area network, (ii) a virtual local area network topology defining interconnectivity and switching functionality among the specified processors for the virtual processing area network, and (iii) a virtual storage space for the virtual processing area network (column 6, lines 28-65), said platform comprising:

a plurality of computer processors connected to an internal communication network (column 6, lines 28-46);

at least one control node in communication with an external communication network and in communication with an external storage network having an external storage address space, and wherein the at least one control node is connected to the internal communication network and thereby in communication with the plurality of computer processors (fig 2);

configuration logic, responsive to said software commands, to select, under programmatic control, a corresponding set of computer processors from the plurality of computer processors, to program the selected computer processors and the internal communication network to

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establish the specified virtual local area network topology, and to program the control node to define a virtual storage space having a defined correspondence to a subset of the external storage address space of the storage network (column 5, line 34–column 6, line 18).

8. As per claim 2, Aziz et al teach the at least one control node receives, via the internal communication network, communication messages addressed to entities on the external communication network, and wherein the control node includes logic to provide messages on the external communication network corresponding to the received messages (column 26, line 34–column 27, line 6).

9. As per claim 3, Aziz et al teach the at least one control node receives, via the external communication network, communication messages addressed to entities on the platform, and wherein the control node includes logic to provide messages to the addressed entities corresponding to the received messages (column 26, line 34–column 27, line 6).

10. As per claim 4, Aziz et al teach the computer processors and the at least one control node include network emulation logic to emulate Ethernet functionality over the internal communication network (column 19, lines 54–67).

11. As per claim 5, Aziz et al teach wherein the internal communication network is a point-to-point switch fabric (column 3, lines 20–46).

12. As per claim 6, Aziz et al teach wherein the internal communication network comprises a redundant interconnect connecting the computer processors and the at least one control node to redundant switch fabrics (fig 14).

13. As per claim 7, Aziz et al teach at least one other control node connected to the interconnect and to form redundant control nodes (fig 13).

14. As per claim 8, Aziz et al teach wherein the at least one control node receives, via the internal communication network, storage messages from the computer processors, and wherein

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the control node includes logic to extract an address from a received storage message, to identify the defined corresponding address in the external storage address space, and to provide messages on the external storage network corresponding to the received storage messages and having the corresponding address (column 26, line 34-column 27, line 6, column 10, lines 16-21).

15. As per claim 9, Aziz et al teach wherein the at least one control node includes logic to buffer data corresponding to write messages received from a computer processor and to provide the buffered data in the corresponding message provided to the external storage network (column 12, line 35-column 13, line 16).

16. As per claim 10, Aziz et al teach wherein the at least one control node receives storage messages from the external storage network, and wherein the control node includes logic to identify a corresponding computer processor or control node that the received message is responsive to, and to provide a corresponding message to the identified computer processor or control node (column 26, line 34-column 27, line 6, column 10, lines 16-21, fig 19)

17. As per claims 11-20, these claims contain similar limitations as claims 1-10 above, therefore are rejected under the same rationale.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in the Notice of Reference Cited form (PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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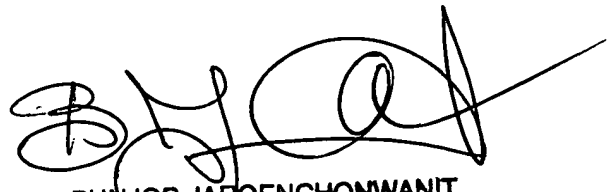
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
Examiner  
Art Unit 2152  
June 16, 2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER